

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Michael A. DEAN)	
)	
Serial No.: 09/594,100)	Group Art Unit: 2435
)	
Filed: June 14, 2000)	Examiner: Pich, Ponnoreay
)	
For: METHOD AND APPARATUS FOR)	
DYNAMIC MAPPING)	

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Mail Stop: **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This paper is submitted in response to receipt of a NOTICE OF ABANDONMENT bearing notification date March 2, 2009. The holding of abandonment in this application is in error for the following reasons.

The claims of this application were the subject of an appeal before the Board of Patent Appeals and Interferences, such appeal being decided on December 10, 2008. The decision on appeal was that the final rejection of claims 11-20 was sustained, but that the final rejection of claims 1-10 and 21-33 was REVERSED.

Claim 1 is independent and claims 2-10 are dependent therefrom, wherefore claims 1-10 are allowable.

Claim 21 is independent and claims 22-25 are dependent therefrom, wherefore claims 21-25 are allowable.

Claim 26 is independent and claims 27-30 are dependent therefrom, wherefore claims 26-30 are allowable.

Claim 31 is independent and is therefore allowable.

Claim 32 is independent and claim 33 depends therefrom, wherefore claims 32-33 are allowable.

Applicant refers to MPEP 1214.06 entitled: "Examiner Sustained in Whole or in Part" because, in this instance, the Examiner is sustained in part.

In MPEP 1214.06 (II) which is sub-headed: "CLAIMS STAND ALLOWED" it says: "The appellant is not required to file a reply [to the Board Decision on Appeal]. The examiner issues the application or *ex parte* reexamination certificate on the claims which stand allowed." In other words, where allowable claims had been determined by action of the Board of Appeals, as in this case, Applicant need not file a reply to the Board Decision on Appeal.

In fact, Applicant has not filed a reply to the Board Decision on Appeal, and was expecting a Notice of Allowance to issue in due course. Indeed, the Examiner should have issued a Notice of Allowance of claims 1-10 and 21-33.

Applicant hereby respectfully requests that the Examiner reconsider his holding of abandonment and issue a Notice of Allowance for allowable claims 1-10 and 21-33, for reasons given above. Applicant does not believe that, under these circumstances, it needs to file a petition to revive an abandoned application. Clearly, there is absolutely no Applicant

involvement, intentional or un-intentional, in the decision that resulted in the issuance of the notice of abandonment. The act of abandonment is plainly and completely patent office error.

CONCLUSION

To the extent necessary and applicable, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: April 6, 2009

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